



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Numbers: 2301519

Applicant Name: Ryan Mankoski for Thomas and Sharon O'Boyle

Address of Proposal: 1412 8th Ave. W

SUMMARY OF PROPOSED ACTIONS

Master Use Permit for future construction of a 60 square feet one story addition to an existing single family residence.

The following approval is required:

Variance – to allow an expansion of the principal structure into the required rear yard.
SMC Section [23.44.014 B](#)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject site is located on 8th Ave. West in the Queen Anne neighborhood of Seattle. The property is 7,200 square feet in size and contains one single family residence. It is a midblock

property, with frontage of about 60 feet along the street and along the alley to the rear of the property, and it is approximately 120 feet in length. The existing two story structure is located at the rear portion of the property and is setback approximately 60 feet from the front property line. The surrounding neighborhood is comprised primarily of single-family residences. A portion of the property in front of the existing structure is located in a mapped steep slope Environmentally Critical Area (ECA). The site slopes upward from west to east and is vegetated with grass, shrubs, and a large tree.

Proposal Description

The applicant proposes to expand the existing single family residence to enlarge an existing kitchen space at ground level. The expansion would include a total of 60 square feet. The existing attached deck on the main floor will be demolished. The requested variance is to extend into the required rear yard. The required rear yard for the subject property is 25 feet, which can be measured from the centerline of the alley. The proposed kitchen addition would project 5 feet into the required rear yard.

Public Comment

The comment period for this project ended on April 16, 2003 and one letter was received. The letter supported the project and felt the variance should be granted as it has no adverse impact on the neighborhood.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The property is subject to unusual topographic and location conditions that were not created by the owners of the property. First, the location of the existing structure is an unusual condition. The existing structure was constructed in 1911 with a 60 foot front yard setback. It appears having a large front yard setback and rear yard encroachment is a typical historical development pattern in portion of the area. In addition, a portion of the lot contains steep slope Environmentally Critical Area (ECA) in the front of the existing structure. The existing structure has been sited near the rear lot line and away from the steep slope area. The existing structure could not be expanded to the front of the property without possibly disturbing the slope area. There is a large tree in front of the existing residence and construction in this area would most likely damage the tree.

Due to these unusual conditions, the strict application of the Land Use Code would deprive the subject lot of property rights and privileges enjoyed by other properties both in the same zone and the same vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

Granting a variance to allow the principal structure to extend into the required rear yard by five feet does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone in which the proposed site is located. The proposed addition will extend the existing kitchen to the east and will be located within 20 feet of the centerline of the alley. The proposed addition of 60 square feet is the minimum necessary to afford relief. The home to the north is currently within 16 feet from the centerline of the alley. There are other structures within the vicinity and the same zone as the proposal site, which have non-conforming rear yard setbacks.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

Granting the variance to allow an expansion of the principal structure into the required rear yard will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. The proposal will increase the bulk with this addition, however, visibility of this addition from surrounding properties will be minimal and it will not be visible from 8th Avenue West. The proposed design is specifically designed to preserve and respect the historic character of the neighborhood and thereby benefit the public, the property and vicinity while doing no more than necessary to increase the usability of the existing home.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of the applicable provisions or requirements of the Land Use Code would prohibit the owner from adding a relatively small habitable floor area at the main floor. The purpose of an addition is to expand the existing kitchen which is located at the rear of the structure. The applicant could build an addition to the west and south of the house but it would require a reconfiguration of the first floor and would reduce the limited yard area on the site. This type of addition will most likely disturb the steep slope area and possibly damage the existing tree on site. The applicable requirement of the Land Use Code in this case, would cause undue hardship or practical difficulties to the applicant if not granted.

The path chosen by this applicant to improve their existing living space and gain some additional space while preserving the original character of their house is a modest and reasonable solution.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. The requested relief is consistent with this goal and does not deviate from the intent to preserve the streetscape character of the residential area and the intent to preserve the pattern of open spaces providing natural light between single family structures in the neighborhood. Granting the requested variance to allow a portion of the principal structure to project minimally into the required yard is consistent with the spirit and purpose of the Land Use Code and Land Use Policies.

DECISION – VARIANCES

DCLU **GRANTS** the requested variance to allow a portion of principal structure to extend into the required rear yard.

Signature: _____ (signature on file) Date: September 11, 2003
Marie N. Kanikkeberg, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

MNK:bg

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